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**\*E-FILED - 4/10/08\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

RAMBUS INC.,  
Plaintiff,  
vs.  
SAMSUNG ELECTRONICS CO., LTD.,  
et al.,  
Defendants.

Case No. 05-02298-RMW

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING PROCEDURAL  
SCHEDULE AND RELATED MATTERS  
FOR SEPTEMBER 22, 2008 TRIAL**

RAMBUS INC.,  
Plaintiff,  
vs.  
HYNIX SEMICONDUCTOR INC., et al.,  
Defendants.

Case No.: 05-00334-RMW

1                   Rambus Inc. (“Rambus”) and Samsung Electronics Co., Ltd., Samsung Electronics  
2 America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, L.P.  
3 (collectively, “Samsung”) (all collectively, “the parties”), hereby submit the following joint  
4 stipulation and proposed order:

5                   **WHEREAS**, at a pretrial conference on December 14, 2007, the Court excused  
6 Samsung from the January 29, 2008 coordinated trial on the following conditions to which  
7 Samsung agreed: “That Samsung agree to be bound by the result of the prosecution laches aspect”  
8 of the January 29, 2008 trial; “that Samsung agree that it will not claim collateral estoppel with  
9 respect to any factual finding” from the January 29, 2008 trial; that the “trial of the remaining  
10 issues as to Samsung be...tried to the Court within six months of the result of the Hynix and  
11 Nanya and Micron” trial; and that “Samsung agree to the admissibility of any relevant evidence”  
12 from the January 29, 2008 trial.

13                   **WHEREAS**, Rambus and Samsung have subsequently met and conferred, agreed  
14 upon a September 22, 2008 trial date, established a procedural schedule for the September 22,  
15 2008 trial, and addressed certain related issues.

16                   **WHEREAS**, on November 2, 2007, this Court issued an Order Converting  
17 Rambus’s Motion To Dismiss Counts IV-VII Of Samsung’s Second Amended Counterclaims To  
18 A Motion For Partial Summary Judgment (“November 2 Order”) in which it addressed certain  
19 issues concerning Rambus’s claim that Counts IV-VII are barred by the statute of limitations,  
20 converted Rambus’s motion to a motion for partial summary judgment, and ordered the parties to  
21 establish a briefing schedule for the motion.

22                   **WHEREAS**, the parties stipulate and agree, by and through their respective  
23 counsel, to the provisions set forth below and jointly request that those provisions be entered as  
24 an order of the Court.

25                   **THEREFORE, IT IS ORDERED THAT:**

26                   **1. Trial Date and Covered Claims and Defenses:** In Case Nos. 05-02298 and  
27 05-00334, Samsung and Rambus will have a bench trial commencing on September 22, 2008  
28

(“September 22 Trial”). The September 22 Trial will include, to the extent they have not been resolved by motion prior to trial, Samsung’s claims in Counts I through VII and X (except prosecution laches) and affirmative defenses Fifth through Eighth as set forth in Samsung’s January 4, 2008 Answer and Counterclaims and Rambus’s affirmative defenses associated with those claims and defenses, as well as Samsung’s discovery rule and equitable tolling defenses to limitations affirmative defenses for those claims.

**2. Discovery Stay:** In Case Nos. 05-02298 and 05-00334, all discovery, including any third-party discovery undertaken by Rambus or Samsung, is stayed for the duration of the coordinated trial between Rambus and other DRAM manufacturers that is scheduled to commence on January 29, 2008 (“the January 29 Trial”).

**3. Schedule For Summary Judgment Motion On Samsung Counts IV-VII:**  
Pursuant to the Court’s November 2 Order, the converted motion for partial summary judgment regarding Rambus’s claim that Counts IV-VII of Samsung’s Counterclaim are barred by the statute of limitations shall be briefed and heard on the following schedule:

May 9, 2008:	Rambus Motion for Partial Summary Judgment
June 6, 2008	Samsung Opposition Brief
June 17, 2008	Rambus Reply Brief
[June 27, 2008	Hearing Rambus proposes that the Court set the hearing date for the summary judgment motion, to which Samsung has not agreed. Rambus’s position regarding this issue is set forth in the cover letter is has submitted with the proposed order.]

[Rambus proposes the following paragraph, to which Samsung has not agreed. Rambus’s position regarding this paragraph is set forth in the cover letter it has submitted with this proposed order: **4. Overlapping Claims In SF Superior Court Case:** By no later than February 7, 2008, Samsung shall request in the action pending between the parties in San Francisco Superior Court (*Rambus Inc. v. Micron Technology, Inc. et al.*, SF Superior Court Case No. 04-431105) that Samsung’s cross-complaint (including all causes of action asserted therein) against Rambus be stayed pending the September 22 Trial. Upon the commencement of the

September 22 Trial, Samsung shall dismiss its cross-complaint in Case No. 04-431105 in its entirety.]

**5. Pretrial Schedule:** The following pretrial schedule shall apply for the September 22 Trial:

June 30, 2008:	Expert witness disclosures and reports (party with burden of proof)
July 18, 2008	Discovery cut-off (excluding expert discovery)
July 28, 2008	Last day to file summary judgment motions
August 4, 2008:	Expert witness rebuttal disclosures and reports
August 18, 2008:	Expert discovery cut-off
August 19, 2008:	Lead counsel meet and confer regarding pretrial conference issues identified in Court's Standing Order Re: Pretrial Preparation ("Standing Pretrial Order")
11	
September 11, 2008:	Pretrial Conference
September 22, 2008:	Trial

**IT IS SO ORDERED.**

DATED: 4/10/08

*Ronald M. Whyte*  
Hon. Ronald M. Whyte

ON BEHALF OF RAMBUS:

DATED: February \_\_, 2008

By: \_\_\_\_\_  
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ON BEHALF OF SAMSUNG:

DATED: February \_\_, 2008

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